

**Feb 27 2024**

**STATE CLEARINGHOUSE**

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**Sent:** Tuesday, February 27, 2024 1:56 PM  
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**Subject:** Notice of Exemption (NOE) for the Butte County Fire Safe Council Hazard Mitigation Grant Program (HMGP) Projects: 4407-020-144, 4407-028-146, and 4407-497-056/ Butte County Defensible Space and Hazardous Fuels Reduction Program (BCFSC Program) CEQA 24-001

Good Afternoon;

The purpose of this email is to provide Cal OES Environmental and Historic Preservation (Cal OES) Unit comments on the subject NOE within the 35-day comment period in accordance with the California Environmental Quality Act (CEQA). Our role as the HMGP Applicant for the subject project is to ensure that it complies with applicable state resource laws.

We have found that the CEQA Categorical Exemption No. 15304 for Minor Alterations to Land in the NOE is incompatible with the Federal Emergency Management Agency (FEMA) draft National Environmental Policy Act (NEPA) Environmental Assessment (EA) findings that there are potential impacts to federally listed biological and sensitive cultural resources.

In addition, the exemption being used 15304 Minor alterations to the land has specific buffers and distances. The project calls for clearing vegetation up to 300 feet from the route. This exceeds the maximum allowable distance for fuel management as described in 15304 (i) which states:

“Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

The project scope was ill defined in the NOE to determine which of the buffer widths are associated with the proposed project; there are neither maps of parcels and evacuation zones that would be subject of the project. In addition, no analyses of state listed biological resources or compliance with AB 52 for tribal consultation is described in the BCFSC project documentation.

Also, the Best Management Practices (BMPs) cited in the State Hazard Tree

Removal Plan (SHTRP) associated with the Camp Fire Disaster Recovery were referenced as though they could be applied to the proposed project. In fact, the SHTRP BMPs were associated with certain privately owned properties that are not part of the BCFSC project.

### Recommended Butte County Action

Cal OES EHP requests that Butte County retract the NOE and develop a CEQA analysis for the subject HMGP projects. This recommendation results from discussions between Cal OES and FEMA because the CEQA and NEPA lead agency conclusions are contradictory regarding the potential impacts associated with the project work.

The EA completed by FEMA may serve to satisfy the portion of the CEQA analyses that are common with the NEPA analyses. The CEQA specific requirements (e.g., AB 52, Tribal and Cultural Resources, California Endangered Species Act) may be added to the EA for combined NEPA/CEQA compliance. The linked guidance document below provides information for the lead CEQA and NEPA agencies to do so. A link to the CEQA checklist is provided to compare to with EA content and determine the CEQA specific requirements that will need to be developed.

[NEPA and CEQA: Integrating Federal and State Environmental Reviews \(ca.gov\)](#)

[CEQA APPENDIX G: \(ca.gov\)](#)

Please contact me or Ed Edsten (copied hereto) if you would like to discuss this matter beyond our meeting today.

Kind Regards,

*Pat*

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